

**LAW OFFICES OF DALE K. GALIPO**

DALE K. GALIPO, ESQ. (SBN 144074)  
dalekgalipo@yahoo.com  
MARCEL F. SINCICH, ESQ. (SBN 319508)  
msincich@galipolaw.com  
21800 Burbank Boulevard, Suite 310  
Woodland Hills, CA 91367  
Phone: (818) 347-3333 | Fax: (818) 347-4118

*Attorneys for Plaintiff*

MARGARITA LOPEZ SANCHEZ

ROB BONTA, State Bar No. 202668

Attorney General of California

JON S. ALLIN, State Bar No. 155069

Supervising Deputy Attorney General

JEREMY DUGGAN, State Bar No. 229854

Deputy Attorney General

1300 I Street, Suite 125

P.O. Box 944255

Sacramento, CA 94244-2550

Telephone: (916) 210-6008

Fax: (916) 324-5205

E-mail: Jeremy.Duggan@doj.ca.gov

*Attorneys for Defendants*

*Macomber, Barretto, Lewis, Choate, Gipson, Davis, Marion, Dobie, and Lynch*

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

SACRAMENTO DIVISION

MARGARITA LOPEZ SANCHEZ,

Plaintiff,

v.

CALIFORNIA DEPARTMENT OF  
CORRECTIONS AND  
REHABILITATION, ET AL.,

Defendants.

Case No.: 2:23-cv-01011-MCE-AC

[*Honorable Morrison C. England, Jr.*]  
Magistrate Judge Allison Claire

**JOINT STIPULATION TO EXTEND  
TIME FOR PLAINTIFF TO  
AMEND**

Plaintiff Margarita Lopez Sanchez and Defendants California Department of Corrections and Rehabilitation, and California State Prison, Sacramento, Macomber, Barretto, Lewis, Choate, Gipson, Davis, Marion, Dobie, and Lynch (together called “the parties”) submit the following Joint Stipulation to Extend

1 Time for Plaintiff to Amend, based on the following good cause:

2 On April 24, 2024, the Court issued its Order Granting, with 20 days leave to  
3 amend, Defendants' Motion to Dismiss. (Doc. 18).

4 On May 6, 2024, the parties filed their Joint Status Report re Settlement  
5 pursuant to this Court's November 15, 2023, Minute Order. (Doc. 19.) Therein, the  
6 parties informed the Court that Plaintiff is in the process of amending the  
7 complaint, and the parties are engaged in informal settlement discussions. Further,  
8 the parties believe it is appropriate that discovery, and the Rule 26(f) conference in  
9 this matter, should continue to be stayed until such time as all remaining  
10 Defendants have filed an answer in the case.

11 Thus, on May 10, 2024, the parties filed with Joint Stipulation to Extend the  
12 Deadline for Plaintiff to Amend the operative complaint and requesting an  
13 extension to July 18, 2024. (Doc. 20.)

14 On May 14, 2024, Plaintiff filed an Amended Complaint so as to not run  
15 afoul of the Court's prior order as the parties awaited the Court's ruling on their  
16 joint stipulation. (Doc. 22.)

17 On May 21, 2024, the Court granted the parties prior Joint Stipulation to  
18 Extend Time for Plaintiff to Amend and struck the first amended complaint,  
19 ordering that an amended complaint may be filed on July 18, 2024, and if no  
20 amended complaint is filed, that the matter will be deemed dismissed with  
21 prejudice. (Doc. 24.)

22 During the last 30 days, the parties have continued their discussions with an  
23 eye toward settlement of this matter. However, Defendants were concerned about  
24 the status of the decedent's natural father and the implication of his standing in this  
25 matter should the case settle. The decedent's father, Librado Baños Rodríguez, is  
26 not a party in this matter and Plaintiff was not in contact with Mr. Rodríguez and  
27 had not been in contact with him or any of this family for many years. It was  
28 Plaintiff's last understanding that Mr. Rodríguez was in Mexico with whereabouts

1 unknown. During the parties' efforts to find Mr. Rodríguez, it was discovered that  
2 he recently passed on June 19, 2024, in Port of Acapulco, Guerrero, Mexico.  
3 Plaintiff was unable, between the time his death was discovered until the date of  
4 this pleading, to attain official documentation to confirm Mr. Rodríguez's death, to  
5 satisfy the legitimate concerns of the defense. However, Defense counsel was able  
6 to discover a news report from Mexico stating that a Librado Baños Rodríguez  
7 passed June 19, 2024, with a picture of the decedent. Thereafter, Plaintiff reviewed  
8 the news report and confirmed that the person depicted in the news report is  
9 decedent's now deceased father. Plaintiff has also offered to support that contention  
10 with a declaration and offered to indemnify Defendants should the parties reach a  
11 settlement in this matter.

12 The parties believe that Defendants will be able to confirm whether  
13 Plaintiff's declaration will resolve their concerns and thereafter be in position to  
14 continue settlement negotiations, and potentially reach full resolution of this matter  
15 within 30 days.

16 Out of an abundance of caution, Plaintiff will refile the previously stricken  
17 First Amended Complaint (Doc. 22) tomorrow afternoon so that the case is not  
18 dismissed. However, the parties request that the Court strike that amended  
19 complaint in addition to granting this stipulation to extend. If the First Amended  
20 Complaint is not stricken, the parties stipulate that Plaintiff may file a Second  
21 Amended Complaint if the matter is not resolved.

22 Therefore, the parties agree and stipulate that there is good cause to permit  
23 Plaintiff an extension to file an amended complaint, from July 18, 2024, to August  
24 16, 2024.

25  
26 IT IS SO STIPULATED.  
27  
28

1 Respectfully submitted,

2 Dated: July 17, 2024

LAW OFFICES OF DALE K. GALIPO

3 /s/ Marcel Sincich

4 MARCEL SINCICH

*Attorney for Plaintiff*

5 Dated: July 17, 2024

6 ROB BONTA, Attorney General of California  
JON S. ALLIN, Sup. Dep. Attny. General

7 /s/ Jeremy Duggan

8 JEREMY DUGGAN

9 Deputy Attorney General  
10 *Attorneys for Defendants*  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28